

**SEPARATE STATEMENT OF  
COMMISSIONER JONATHAN S. ADELSTEIN**

*Re: Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Education and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands (WT Docket No. 03-66); et al., Report and Order and Further Notice of Proposed Rulemaking.*

The Communications Act places an obligation on the Commission to encourage the investment in and rapid deployment of new technologies. In today's Order, we hopefully meet that obligation by adopting rules that provide a framework for innovation in the BRS and ITFS services. Our rules accommodate the latest technologies and will facilitate the provision of broadband over wireless, a potential third pipe to the home. It is no secret that the BRS and ITFS services have had a tortured regulatory history. Today we establish a policy regime that will finally bring these services squarely into the 21<sup>st</sup> century.

The changes we are making today rightly recognize the potential of the 2496-2690 MHz band and take advantage of its capabilities. I am most excited about the future use of the spectrum for broadband services, both commercial and educational. I am a strong believer in the future and the potential of broadband communications. Broadband has the power to transform the lives of individuals and the future of communities. I believe that wireless solutions will play an important role in the future for broadband deployment especially in rural areas. Today's Order recognizes this and implements the means to promote advanced wireless services.

I also am pleased that we reaffirm today that there is a continued role for educators in this spectrum band. For forty years, ITFS providers have used this spectrum for educational programming. It would be wrong to phase out the role of educators at the same time we radically change the structure of the band. Stanford University, my own alma mater, has been licensed to operate as an ITFS system for over thirty years. The university transmits more than 350 programming hours a week. Stanford provides instructional coursework to thousands of graduate students throughout the Bay Area and works closely with many in the high tech community to ensure that their employees have the best education possible.

As we transition to broadband, we need to consider the important work of educators using ITFS like Stanford. And we also need to consider the impact of the transition on those incumbents who are providing video and broadband services in smaller markets throughout the country. I have worked hard to ensure as smooth a transition as possible for ITFS and MDS incumbents, and thank my colleagues for their support in accommodating a number of my revisions. I am also pleased that the Commission has asked for a series of reports that will give details on the progress of the transition process and will comment on some of the lessons learned as we undertake this novel effort.

I am disappointed, though, that the Order moves forward with a transition process that is based on major economic areas (MEAs). The BRS and ITFS services are local services, and I believe that broadband deployment for the foreseeable future will be rolled out on a relatively localized basis. I am concerned that the obligation to transition an entire MEA will make it exceedingly difficult for proponents to effectuate transitions in their particular market.

Finally, I want to thank the Wireless Telecommunications Bureau for all of their time and hard work spent on this monumental item. This Order represents a significant step by the Commission to ensure that providers continue to have opportunities to deploy broadband so that all consumers across America have access to the best communications possible.